IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.393 OF 2007

Dinesh B. Bafna ..Petitioner.

V/s.

Customs Excise Service Tax Appellate Tribunal & Ors. ..Respondents.

Mr.A.D.Roy for petitioner.

Mr.Y.S.Bhate with Y.R.Mishra and D.D.Dube for respondents.

CORAM : DR. S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 8TH MARCH, 2007.

P.C. :-

. Heard the learned counsel for the petitioner and the respondent. Rule, returnable forthwith. The learned counsel for the respondent waives service. By consent of the parties the petition is taken up for final hearing.

2. In this petition, petitioner is challenging the order dated 26th May, 2005 passed by the CESTAT mainly on the ground that no notice of hearing was served on the petitioner. Even the learned counsel for the respondents could not refute the same. In view thereof, only on this limited ground, we quash and set

aside the order of the CESTAT and remand back the matter to the CESTAT for being heard afresh strictly on its own merits and in accordance to law.

3. Needless to say appropriate notice be served on the petitioner before the matter is taken up for final hearing. Rule is made absolute in terms of above.

4. Petitioner should immediately furnish the present address to CESTAT as to obviate any further difficulty.

5. Petition stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)